

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Initially, Applicant files concurrently herewith corrected drawing sheets in compliance with 37 CFR 1.121(d). Applicant requests that the corrected drawing sheets be approved.

The specification has been amended so as to correct the informalities referred to by the Examiner in paragraph no. 3 of his Office action. In addition, the specification has been amended to correct the typographical errors in reference numerals so that the specification now complies with the corrected drawing sheets submitted concurrently herewith. Finally, the specification has been amended to correct a minor translation error wherein reference numeral 23 now refers to "transition" rather than "passage". None of the amendments to the specification constitute new matter.

With regard to the rejection raised by the Examiner under 35 U.S.C. 102(b) over U.S. Patent 3,356,263, Applicant respectfully requests the Examiner to reconsider this rejection.

Independent article claim 13 calls for a shoulder integrally attached to the body by means of a material portion of plasticized and squeeze formed plastic material. Such is not the case with the Monroe '263 document. As can clearly be seen in Figure 4, note the cross hatching, the portion 27 of the Monroe document is not integral and does not constitute a plastic formed material as claimed. This is clear because the method of manufacturing the '263 tube is injection molding rather than press forming as is the case in the instant application. Accordingly, the structure of the shoulder of the tube of the present invention is different from the structure of the tube of Figure 4 of the Monroe document. Accordingly, it is

submitted that independent claim 13 structurally defines over the prior art. Dependent claim 20, which depends from independent claim 13, is drawn to a method for manufacturing the packaging tube of claim 13. Claim 20 sets forth with specificity the method steps for press forming the tube body of independent claim 1. As noted above, the tube of the present invention is press formed while the tube of the prior art is injection molded. These methods are totally different methods which result in different structures.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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